

THOMAS N. STEWART, III - #88128
ATTORNEY AT LAW
369 BLUE OAK LANE, 2nd FLOOR
CLAYTON, CA 94517
TELEPHONE (925) 672-8452
TELEFAX (925) 673-1729
Attorneys for Michael Fernandes

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL FERNANDES,

Case No. C 07-6466 JCS

Plaintiff,

PLAINTIFF'S STATUS REPORT

v.

R & V, a Partnership,
CAP-TAY, INC.,

Defendants.

_____ /

At the Court's request, Plaintiff submits the following Status Report:

This an ADA case. Plaintiff is a disabled wheelchair user. Defendants own and operate a Restaurant in Brentwood, California.

The Restaurant's restrooms are upstairs. Plaintiff patronized the Restaurant in August and December 2007 and was unable to use the restroom either time because the wheelchair lift the Restaurant had wasn't working.

The Complaint was filed in December 2007. Defendant's lawyer, John F. Prentice, first contacted Plaintiff's counsel in January 2008.

A problem arose in that one of the partners in R&V Partnership died. This left the remaining defendants unable to act until the attorney for the Estate obtained an appropriate Order. The probate court signed the appropriate Order on April 29, 2008.

Since then, the parties have been discussing settlement, and it looks promising. If this Action isn't dismissed within three weeks, the parties will submit a new case schedule for the Court's approval.

June 26, 2008

S/Thomas N. Stewart, III
Attorney for Plaintiff